

2001-0088-08  
USSN 10/684,089

### Remarks

Claims 29-100 are pending in the above captioned U.S. Patent Application.

Claims 29-100 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,711,202 and copending U.S. Patent Application No. 10/684,016.

To overcome the Examiner's rejection of Claims 29-100, Applicants have submitted two Terminal Disclaimers, one for U.S. Patent No. 6,711,202 and the other for U.S. Patent Application No. 10/684,016 in the prior response filed on November 17, 2005. Copies of the previously filed Terminal Disclaimers are attached for the Examiner's convenience.

The Examiner states that William Cray is not an attorney of record and is not authorized to sign the terminal disclaimers. Applicants respectfully disagree. Applicants filed a Power of Attorney on December 2, 2003 appointing William C. Cray as attorney of record in the parent case, USSN 09/953,026. The present application is a continuation of USSN 09/953,026. A copy of the December 2, 2003 filed Power of Attorney with the USPTO stamped-receipt postcard is attached for the Examiner's convenience.

2001-0088-08  
USSN 10/684,089

### Conclusion

Applicants do not believe any fees are due in connection with this submission, however if any additional fees are due in connection to the filing of this Response, the Applicants hereby authorize the Commissioner to charge any fees due, or to credit any overpayment to applicants' assignee, Cymer, Inc.'s Deposit Account No. 03-4060.

Respectfully submitted,



William C. Cray, Reg. No. 27,627

January 5, 2006  
Cymer, Inc.  
Customer No. 21773  
Telephone: (858) 385-7185  
Facsimile: (858) 385-6025

COPY

**RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Cymer Docket No. 2001-0088-01  
In re: Application of Richard Morton  
USSN 09/953,026  
Filed: September 13, 2001  
Title DISCHARGE LASER WITH POROUS INSULATING LAYER COVERING ANODE  
DISCHARGE SURFACE

MAIL STOP OFFICIAL DRAFTSPERSON  
Commissioner for Patents  
P O Box 1450  
Alexandria, VA 22313-1450

Please acknowledge receipt of the documents listed below by placing your stamp hereon and  
mailing this card.

**RECEIVED IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Cymer Docket No. 2001-0088-01  
In re: Application of Richard Morton  
USSN 09/953,026  
Filed: September 13, 2001  
Title DISCHARGE LASER WITH POROUS INSULATING LAYER COVERING ANODE  
DISCHARGE SURFACE

MAIL STOP OFFICIAL DRAFTSPERSON  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Please acknowledge receipt of the documents listed below by placing your stamp hereon and  
mailing this card

Transmittal Letter for formal drawings, 10 sheets of Formal Drawings; Power of Attorney &  
Stmnt under 37 CFR 3.73(b) and Change of Correspondence Address  
Cymer, Inc.  
Date Mailed: December 2, 2003



**TRANSMITTAL LETTER**  
**(General - Patent Pending)**Docket No.  
2001-0088-01**COPY**In Re Application Of:  
Richard MortonSerial No.  
09/953,026Filing Date  
9/13/01Examiner  
D. MonbleauGroup Art Unit  
2828

Title:

DISCHARGE LASER WITH POROUS INSULATING LAYER COVERING ANODE DISCHARGE SURFACE

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

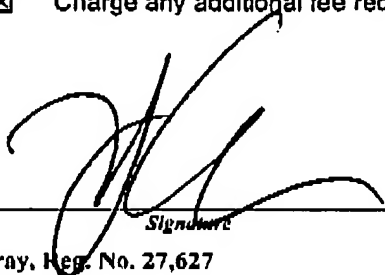
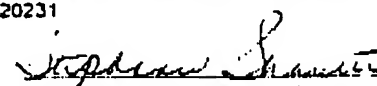
Transmitted herewith is:

Transmittal of Formal Drawings;  
10 Sheets of Formal Drawings;  
Change of Correspondence Address;  
Power of Attorney;  
Statement under 37 CFR 3.73(b);

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 03-4060 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_
- ☒ Credit any overpayment
- ☒ Charge any additional fee required.

Dated December 2 2003

  
\_\_\_\_\_  
Signature  
William Cray, Reg. No. 27,627  
Cymor, Inc.  
Legal Dept. MS/4-2C  
17075 Thoramint Court  
San Diego, California 92127  
Telephone: (858) 385-7185  
Facsimile: (858) 385-6025I certify that this document and fee is being deposited  
on 12/2/03 with the U S Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Commissioner of Patents and Trademarks, Washington,  
D.C. 20231  
\_\_\_\_\_  
Signature of Person Mailing Correspondence

Stephanie Sharrett

Typed or Printed Name of Person Mailing Correspondence

cc:

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Approved for use through 11/30/2005 OMB 0851-0035

U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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**CHANGE OF  
CORRESPONDENCE ADDRESS****Application**

Address to:  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application Number	09/953,026
Filing Date	9/13/01
First Named Inventor	Richard Morton
Art Unit	2838
Examiner Name	D. Montbleau
Attorney Docket Number	2001-0088-01

Please change the Correspondence Address for the above-identified application to

☐ Customer Number:

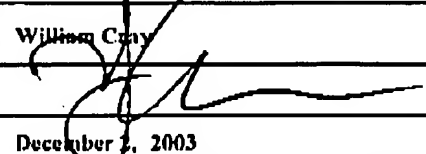
OR

<input checked="" type="checkbox"/> Firm or Individual Name	Cymer, Inc.				
Address	Legal Dept. MS/4-2C				
Address	17075 Thornmint Court				
City	San Diego	State	California	ZIP	92127
Country	USA				
Telephone	(858) 385-7185	Fax	(858) 385-6025		

This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124)

I am the:

- ☐ Applicant/Inventor.
- ☐ Assignee of record of the entire interest.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- ☒ Attorney or Agent of record. Registration Number 27,627
- ☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number

Typed or Printed Name	William C. Gray	
Signature		
Date	December 7, 2003	Telephone (858) 385-7185
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.		
<input type="checkbox"/> *Total of _____ forms are submitted.		

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM

Application Number	09/953,026
Filing Date	9/13/01
First Named Inventor	Richard G. Morton
Art Unit	2828
Examiner Name	D. Monbleau
Attorney Docket Number	2001-0088-01

I hereby appoint:

☐ Practitioners at Customer Number

OR

☐ Practitioner(s) named below:

Name	Registration Number
Albert P. Cefalo	27,315
William Cray	27,627

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☒ Firm or Individual Name

Cymer, Inc.

Address

Legal Dept. MS/4-2C

Address

17075 Thornmint Court

City

San Diego

State

California

Zip

92127

Country

USA

Telephone

(858) 385-7185

Fax

(858) 385-6025

I am the:

☐ Applicant/Inventor

☐ Assignee of record of the entire interest See 37 CFR 3.71  
Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/98)

SIGNATURE of Applicant or Assignee of Record

Name

Nancy J. Baker, Senior VP &amp; CFO

Signature



Date

November 2, 2003

Telephone

(858) 385-7166

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple

☐ Total of \_\_\_\_\_ forms are submitted

This collection of information is required by 37 CFR 1.31 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

# Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent

Docket No  
2001-0088-08

In Re Application Of:

Richard G. Morton

# COPY

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No
10/684,089	October 10, 2003	James A. Menefee	21773	2828	3038

Invention:

DISCHARGE LASER WITH POROUS INSULATING LAYER COVERING ANODE DISCHARGE

Owner of Record:

Cymer, Inc.

## COMMISSIONER FOR PATENTS

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,711,202. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

Dated: November 17, 2005


  
Signature

William C. Cray, Reg. No. 27, 627

Typed or Printed Name

- ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.  
☐ PTO suggested wording for terminal disclaimer was unchanged.  
☐ Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.

Doc Code:

PTO/SB/26 (09-04)

A ed for use through 07/31/2008 OMB 0851-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

2001-0088-08

In re Application of: Richard G. Morton

Application No.: 10/684,089

Filed: October 10, 2003

For:

COPY

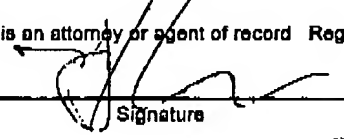
The owner\*, Cymer, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/684,016, filed on October 10, 2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. 27,627  
  
 \_\_\_\_\_  
 Signature  
 \_\_\_\_\_  
 William C. Cray  
 \_\_\_\_\_  
 Typed or printed name  
 \_\_\_\_\_  
 (858) 385-7185  
 \_\_\_\_\_  
 Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).  
 Form PTO/SB/98 may be used for making this statement. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.